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Attorney's Docket No.: 11926-068001
JUN 26 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

Applicant : Vincent P. Stanton, Jr. Art Unit : 1655
Serial No. : 09/648,123 Examiner : C. Wilder
Filed : August 25, 2000
Title : GENE SEQUENCE VARIATIONS WITH UTILITY IN DETERMINING THE
TREATMENT OF DISEASE, IN GENES RELATING TO DRUG PROCESSING

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed April 10, 2001, applicant elects the invention of Group I, claims 1-14, drawn to an isolated nucleic acid probe.

The Examiner requested that the Applicants elect a single variance in a single gene. Applicants elect the Human Cytochrome P450 gene and the T to C variance at nucleotide 732. Applicants make this election with traverse.

Applicants request that the Examiner search all 21 variances of the Cytochrome P450 gene listed in Table 3. One of the variances is listed under Hugo identifier AF185589 and the remaining 20 variances are listed under Hugo identifier AF209389. Applicants request that the Examiner consider all 21 variances together for at least the following reasons.

First, the search will not be burdensome because the variances are all within a single gene. Thus, the search scope will be similar to that for searching a claim to a single gene. Indeed the search required would be similar to that required if one were claiming nucleic acid molecules having a certain percent identity to a particular sequence. Second, useful probes and useful methods for genetic analysis often include the use of two or more variances. Thus, prosecution will become unduly burdensome if each variance is the subject of a distinct patent application.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit

June 18, 2001

Signature

Carrie A. Amonte

Typed or Printed Name of Person Signing Certificate

Carrie A. Amonte

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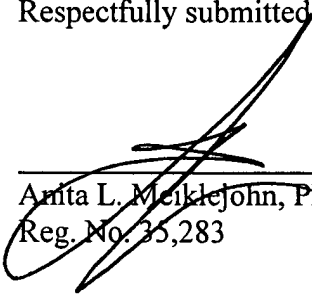
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A Petition for Extension of Time with the appropriate fee is enclosed. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 18 JUNE 2001


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